

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

INTERFOCUS INC., A California
Corporation,

Plaintiff,

v.

HIBOBI TECHNOLOGY LTD;
HANGZHOU HIBABY TECHNOLOGY
CO. LTD; HANGZHOU HAIBAOBEI
TECHNOLOGY CO., LTD; HANGZHOU
HIBAO TECHNOLOGY CO., LTD.
HIBOBI HOLDINGS, LIMITED, AND
HANGZHOU JIULONG TECHNOLOGY
CO. LTD.

Defendant.

Case No.: 1:22-cv-02259

Honorable Steven C. Seeger

PLAINTIFF INTERFOCUS INC.'S RESPONSE TO MINUTE ENTRY

This Court's Minute Entry of November 21, 2022 noted that "a pleading need not be verified unless a rule or statute specifically states otherwise," and directed Plaintiff Interfocus, Inc. ("InterFocus") to provide "a short response" advising why it verified the Amended Complaint. (Dkt. No. 63.) InterFocus responds as follows.

InterFocus verified the Amended Complaint so that it could cite facts alleged in it at the preliminary injunction hearing without having to file a separate declaration. Courts in this Circuit consider verified complaints to be like affidavits in ruling on motions for preliminary injunction. *E.g., Teledyne Technologies Incorporated v. Shekar*, 832 F. 3c 936 (7th Cir. 2016) (dismisses appeal of preliminary injunction entered based on allegations of verified complaint); *IDS Life Ins. Co. v. Sun America Life Ins. Co.*, 136 F. Ed 537, 542 (7th Cir. 1998) (verified complaint "the equivalent of affidavits" in considering motion for preliminary injunction); *Doe*

v. University of Chicago, 2022 WL 16744310, n. 7 (N.D. Ill. Nov. 7, 2022) (“Affidavits are admissible at such [preliminary injunction] hearings because Federal Rule of Civil Procedure 65 hearings are summary in nature and less formal than trials”).

Dated: November 29, 2022

Respectfully submitted,

RIMON, P.C.

/s/ Eric C. Cohen

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